

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

July 14, 2004

The meeting was called to order at 4:04 p.m. by Vice-Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Paul Nixon, Jack Matheson, Terry Mills

ABSENT: Harold Woodruff, Karen Lang, and Mario Cisneros

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Kevin Hooper, Steve Lehman, Steve Pastorik, Jody Knapp, and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Joseph Moore, CED Director
Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 15 people were in the audience.

ZONE TEXT CHANGE APPLICATION:

ZT-5-2003

West Valley City

Amendment to Section 7-22-203

Mr. Joseph Moore presented the application.

Staff is recommending a zoning ordinance amendment to Section 7-22-203. This section of the zoning ordinance deals with the effect of the Jordan River Overlay Zone (JROZ). Below are the suggested revisions:

Section 7-22-203 EFFECT ON UNDERLYING ZONE.

The Jordan River Overlay Zone may add to or limit the uses provided for by the underlying zone. In the case of the "C-2" Zone, certain uses are not permitted, while in the "A" Zone, standard agricultural uses are augmented by the uses provided for in the Jordan River Overlay Zone. ~~The existing uses in the "M" Zone are permitted with the expansions reviewed by the Planning Commission.~~ Existing businesses within the Jordan River Overlay Zone may continue and can expand with approval by the Planning Commission. Implementation of the standards in Section 7-22-204 shall be considered in all proposed future expansions of existing businesses. The Jordan River Overlay Zone encourages office, restaurant, mixed use residential, and small-scale retail/services uses.

The language proposed here is consistent with the language in the Bangerter Highway Overlay Zone and the 5600 West Gateway Overlay Zone.

The Planning Commission has requested that staff expand the JROZ. This ordinance amendment will prevent existing legal businesses from becoming nonconforming if the City expands the JROZ.

There being no discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Nixon moved for approval of the proposed ordinance amendment.

Seconded by Commissioner Mills

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – ZT-5-2004 - approved

ZT-6-2004
West Valley City

Mr. Joseph Moore presented the application.

This is a proposed amendment to Sections 11-1-104 (29), 11-7-101 and 11-7-105 of the West Valley City Municipal Code relating to monument signs and multi tenant pole signs.

Issues:

Staff feels language should be added to section 11-1-104 (29) to further clarify the definition of a monument sign:

(29) Sign, Monument means an "on-premise" or identification sign with a base that is equal to or greater in size than the total horizontal dimension of the sign face, with no visible support structure, except that the sign may include up to one-third of the sign's overall height in exposed poles, so long as the exposed poles are architecturally compatible with the sign in color, material and design.

This amendment also includes a change to sections 11-7-101 and 11-7-105. Currently pole signs are only allowed on properties with 10 or more acres, and any alterations to an existing sign must be made in conformance to today's sign standards. This amendment would allow for some architectural changes in multi tenant pole signs as follows:

11-7-101. ALTERATIONS.

A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Title. All alterations shall require conformance to the provisions of this Ordinance excluding any face changes in multi-tenant signs, normal maintenance/repair, and copy changes in signs previously approved by the City with a changeable copy feature. Further exclusions include any architectural enhancements to existing multi tenant pole signs in conjunction with a building façade remodel. Overall height, size, and shape of the sign shall not be increased. Any sign that is located within or projects into the public right-of-way shall be made conforming when a change of ownership, lessee, or use occurs.

11-7-105. SIGNS TO BE MADE CONFORMING.

Any non-conforming sign shall be made conforming when a change of ownership, lessee, or use occurs, excluding any face changes in multi-tenant signs, normal maintenance/repair, copy changes in signs previously approved by the City with a changeable copy feature, and face changes in freeway oriented signs as defined in Section 11-4-104. Further exclusions include any architectural enhancements to existing multi tenant pole signs in conjunction with a building façade remodel. Overall height, size, and shape of the sign shall not be increased.

There being no discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for approval subject to the resolution of any issues raised at the public hearing.

Seconded by Commissioner Nixon.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – ZT-6-2004 - approved

SUBDIVISION APPLICATIONS:

S-3 & 4-2004

The Vistas at Westridge Subdivision - Phases 1 & 2

Vistas at Westridge LLC

R-1-8 Zone

86 Lots

83 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Eric Bishop, representing the Vistas at Westridge LLC, is requesting final approval for the first two phases of the Vistas at Westridge Subdivision. The subject property was rezoned from the Manufacturing Zone to the R-1-8 Zone and received preliminary approval in March 2004.

As a condition of the rezone, the City and applicant have entered into a development agreement. The development agreement was created to ensure that the proposed subdivision will be guided by a set of standards relating to lot sizes, housing size, architectural materials, and other aspects of development, (which are not subdivision standards) to create a better development in West Valley City.

Both phases of the subject property comprise approximately 83 acres in size and are bordered by the Denver and Rio Grande Railroad to the north. Properties to the west and south are zoned residential, while property to the east is zoned manufacturing.

STAFF/AGENCY COMMENTS:

Staff and agency comments will be the same as those discussed during the preliminary plat process.

ISSUES:

- Phase 1 and 2 of the Vistas at Westridge Subdivision is being proposed as a single-family residential community. The proposed subdivision will be guided by a development agreement in order to create a community having a combination of varying lot sizes, housing and architectural requirements.

- The proposed subdivision is comprised of two phases. Phase 1 will consist of 41 residential lots and 5 parcels on approximately 70 acres. Phase 2 will consist of 45 lots on approximately 13.3 acres. Lot sizes range from 8,000 to 17,971 square feet. The average lot size in both phases is approximately 9,500 square feet.
- Two of the proposed parcels will be used for storm water detention. The other parcels have been shown because they were created from the new street system to the west. They will be amended as property to the west develops in the future.
- Access to both phases of the subdivision will be gained from 6000 West. Secondary access to phase 1 will be gained from 6400 West. At the present time 6000 West is unimproved and void of any formal improvements. 6400 West is improved with minimal improvements consisting mostly of asphalt paving. The applicant will be required to dedicate and improve both roadways as part of this approval.
- A rail crossing exists on 6000 West at the north boundary of the subdivision adjacent to phases 1 and 2. The City Engineering Division and City Attorney's Office has reviewed the traffic study and requirements of the Railroad and UDOT regarding access. The City is satisfied that required improvements and the timing of these improvements will mitigate the concerns outlined during the preliminary process. The coordination of these improvements will be the developer's responsibility.
- As discussed during preliminary review, access will be gained from 4700 South for construction purposes. All construction vehicles will need to use this route as opposed the street system north of the subdivision. Because construction vehicles will be crossing the railroad to the south of phases 1 and 2, safety improvements to that crossing will need to be approved by the City Engineering Division and City Attorney's Office similar to the north crossing.
- Streets within the subdivision, whether a residential collector or neighborhood street, will have a cross section that includes a 6-foot parkstrip and 5-foot sidewalk. As mentioned previously, 6000 West is proposed with a 72-foot right-of-way having a 10-foot parkstrip and 6-foot sidewalk.
- The subject property slopes from the southwest to the northeast. Although the slope of this property is not substantial, it will create potential problems for builders of new homes. Staff will recommend that as a condition of approval, each homebuilder be responsible to submit a grading plan during the building permit process. While grading of the site could lessen the potential for problems, a grading plan for all new dwellings will help to further mitigate surface water

problems for new homeowners.

- The developer will be responsible to coordinate the availability of all utilities for the subdivision. In the case of water and sewer, Granger Hunter Improvement District has notified staff that water is available for phases 1 and 2. However, during the preliminary process, GHID expressed concerns regarding the lack of plans for the proposed sewer. The applicant will need to coordinate this matter with GHID.
- The developer has submitted a geotechnical report, which indicates that subsurface water was encountered in areas that will be platted as future phases of the subdivision. Test pits in phases 1 and 2 did not indicate that ground water was found. However, groundwater was encountered south of phase 1 at a depth of 4-9 feet. The applicant has coordinated this matter with the City Engineering Division to ensure that ground water will not impact these phases.
- The proposed subdivision is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards, specifically stronger windows be applied for new dwellings.
- As mentioned previously, the City and developer negotiated a development agreement to address building size, lot size, architectural style, building materials, and front yard landscaping. Portions of this agreement have been provided for your review as a highlight of the overall development concept.
- The north boundary of the subdivision is located adjacent to the Denver Rio Grande Railroad. City ordinance will require that portions adjacent to the railroad in both phases install a 6-foot non-climbable chain link fence.
- A portion of the southeast corner in phase 2 is adjacent to what is projected to be the alignment of the Mountain View Corridor. Provisions have been made by the developer to accommodate the width necessary for the corridor given their understanding of the alignment. However, the remnant properties shown on the preliminary plat will need to be made part of the subdivision. This shall be accomplished by including the remnant within the adjacent lots as opposed to it remaining a parcel.
- The subdivision will contain areas that will be used for storm water detention. These areas are projected to be located at the northeast and northwest corners of phase 1. The City Engineering Division is currently reviewing matters associated with the storm water requirements. This review will involve the Utah Salt Lake Canal Company and Salt Lake County Flood Control. Should a decision be made

that proposed storm water basins are insufficient, and if a modification of these basins would be substantial, the final plat would need to be reviewed by the Planning Commission.

- The applicant is proposing that the storm water detention basin at the northwest corner of the subdivision be used to accommodate open space as discussed during the preliminary plat process. The Parks Department has reviewed this location and has suggested a modification to the basin area, but is has generally accepted the location and size. The applicant will be required to coordinate the open space with the City Parks Department and Attorney's Office.
- In conjunction with open space concerns, staff has learned that the property known as the deed restricted properties may not be allowed to be used for open space as originally thought. Although the applicant will be coordinating this matter with Alliant Tech Systems, it could affect the layout and open space as shown in phase 1.
- The Parks Department has commented that if the deed-restricted properties cannot be used for open space, additional areas in the subdivision would need to be provided. Initially, it was thought that if the deed restricted properties could not be used, that the open space could be centrally located in the middle of the overall subdivision and in phase 3.
- Although it is likely that the phases being reviewed as part of this request will not be affected, staff cannot guarantee that the Parks Department would not want to reevaluate the open space if the deed restricted properties could not be utilized. Therefore, if a legal determination is made that the deed restricted properties cannot be used for open space and if the Parks Department determines that additional open space is needed in phases 1 or 2, the final plat shall be brought back for Planning Commission review.

Applicant:
Eric Bishop
9537 S. 700 E.

Concerned:
Bert Davis
5519 W. Deer Meadow Cir.

Concerned:
Gayle Anderson
5152 Jordan Canal Rd.

Discussion: Commissioner Nixon asked how the Legacy Highway may affect this subdivision, but was told a definite alignment has not been determined. Commissioner Matheson questioned access on parcel 'A', and suggested information about the Mountain View Corridor be added to the plat. Commissioner Mills believes homeowners should be aware of the nearby railroad tracks, and was told that information could also be added to the plat. Steve Lehman reminded the Commission that information regarding noise from USANA and nearby manufacturing has already been agreed to be added on

the plat. Nicole Cottle indicated this residential development should be the last the City will have developed near railroad tracks. Mr. Eric Bishop acknowledged this property has many issues because of its size. He thanked staff and the City's Attorney for working with the applicant. Mr. Bishop believes all storm drain issues should be resolved on July 15, 2004, and concerns regarding the park's location are being worked out. He stated another option might be to deed parcel 'A' to an adjoining property owner, allowing time until the Legacy Highway alignment is determined. Mr. Bishop said the traffic report noted the railroad track is used twice per day, three or four days per week, once early in the morning, and once in the late morning. He did not believe it was used at night. Mr. Bishop reminded the property is zoned residential, and he is not aware of complaints from surrounding residential. He indicated Liberty Builders would require potential buyers sign a disclosure statement acknowledging they were aware of surrounding concerns such as railroad tracks. Mr. Bishop assured he would be more than happy and feels it would be appropriate to add a note on the plat saying in addition to noise from the amphitheater, there may be noise from the railroad tracks. Commissioner Nixon asked how many homeowners the applicant talked to that lived near the railroad tracks, and what they were asked. Mr. Bishop replied they knocked on every door at least twice, and he guessed the success rate for talking with homeowners was approximately 60% to 70% residents. He asked them about the idea of residential on the other side of the tracks, and what problems or concerns may be anticipated. Commissioner Nixon did not want the homebuyers to have any surprises, and he would feel comfortable with the builders disclosing issues, as well as noting concerns on the plat. Commissioner Matheson inquired about the access on 6000 West to 4700 South, suggesting homeowners will need this access, especially when heading south. He asked if access to 4700 South could be made, if only temporary. Mr. Bishop replied there will be a temporary road connecting to 4700 South, and part of the agreement is to have that road in place during the marketing of this subdivision, which he anticipates to be a four to five year period. Commissioner Matheson reminded that if the freeway comes through this location, it might not be possible to connect without something such as a flyover or overpass. Mr. Bishop answered that UDOT representatives reported months ago that due to the railroad track at that location, they are planning a flyover. If this occurs, the Engineering Department may be allowed to re-evaluate the entire situation, possibly raising the tracks to eliminate the vertical curve issue and keep options open. Commissioner Nixon asked if the flyover would be UDOT's cost, and was told yes.

Mr. Bert Davis said he lives near the railroad, and reported a train does run at night between 9:00 p.m. and 10:00 p.m., several times per week. Commissioner Nixon asked if the train bothered him. Mr. Davis replied no, as it was late at night.

Mr. Gayle Anderson was concerned that West Valley City had not notified all property owners in the area about this application. He said he owns property east of the Giovengo property, with the railroad running through his property. Mr. Anderson stated he was not

informed about this application, and he wanted to know how this development would affect his property. He reported he has eight acres west of 5600 West at approximately 5600 West 4700 South. Mr. Anderson was concerned about traffic on 6400 West, stating that road is already very busy, and that the traffic study may not be correct. He noted the train runs more than twice per day. Commissioner Nixon asked Steve Lehman if Taylorsville residents are notified of applications. Steve Lehman replied that noticing is performed during the preliminary plat process, not the final plat process. He further indicated that Mr. Anderson lives farther than the required 300-foot notification circle. Mr. Anderson informed that at the last meeting regarding this application, West Valley staff had promised he would be noticed, but he wasn't. Commissioner Matheson reminded Mr. Anderson that he could come to City Hall to be informed of the status of applications and development.

Commissioner Mills had concerns regarding water basins and stormwater, stating she was not comfortable with the plan of utilizing Westridge Park. Steve Lehman assured the actual park and its configuration would not be affected. He explained an overflow structure might be built adjacent to the park, allowing a place for water to go if larger than a 10-year storm. Steve indicated Salt Lake County Flood Control will monitor the volume of water generated from this development, and they do not believe it will exceed what the basin at the park and canal can accommodate. Commissioner Matheson asked who would pay for upgrading the storm drain to that park. Steve Lehman said it would be the developer's responsibility, but if West Valley City requires a larger system, they may reimburse for the additional costs. He reminded that flood impact fees will be assessed for this development. Commissioner Fuller asked if the applicant had reviewed the staff's list of 18 alternatives. Mr. Bishop assured he had. He explained the drainage system has been worked out with the City's Engineers, including typography, elevations, extensive analysis and studies conducted by the Canal Company.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion for S-3-2004.

Motion: Commissioner Matheson moved to grant final approval for the first phase of the Vistas at Westridge Subdivision subject to the following conditions:

1. That all conditions of approval be completed prior to City Council review.
2. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant.

3. That all matters associated with the rail crossing be coordinated and finalized with the City Engineering Division and City Attorney's Office prior to City Council review.
4. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve all matters pertaining to sewer connections and where service will be provided prior to City Council review.
5. That the developer coordinate a review of the deed restricted properties. More specifically, the Kearns Improvement District property and their potential use for open space. If a legal determination is made that the deed restricted properties cannot be used for open space, the developer will need to receive approval from the City Parks Department that proposed open space in phase 1 is sufficient. If a determination is made that additional areas of open space are needed in either of these phases, the final plat shall be brought back for Planning Commission review.
6. That the developer continue to coordinate all matters regarding storm water detention. That Salt Lake County Flood Control and the Utah Salt Lake Canal Company review and approve the storm water permit necessary for this development. If a determination is made that the proposed storm water basins are insufficient as designed, the applicant will need to revise the final plat to accommodate the needs established by the City Engineering Division. If these changes are substantial, the final plat shall be brought back for Planning Commission review.
7. That the developer acquire the necessary easements from the LDS Church and/or Denver Rio Grande Railroad regarding storm water prior to City Council review.
8. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
9. That 6000 West will be improved to the southern boundary of Phase 2, and a temporary road to 4700 South according to plan and profiles approved by the City Engineering Division. All other interior streets, including design shall be approved by the City Engineering Division.

10. That the developer install a 6-foot non-climbable chain link fence adjacent to the railroad. Said fence shall be installed prior to the construction of single-family dwellings.
11. That the developer coordinate all matters pertaining to the soils report with the City Engineer and Building Official. Recommendations outlined in the report shall be noted on the final plat.
12. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code regarding the Overpressure Zone.
13. That all recommendations outlined in the traffic study, including the 6000 West railroad crossing improvements, and subsequent recommendations of the City Traffic Engineer be followed.
14. That a note be placed on the plat identifying this subdivision as an area that may be subject to noise from the USANA Amphitheater and from noise and odors associated with manufacturing uses.
15. That all construction access be gained from 4700 South.
16. That prior to the issuance of any building permit, the builder shall provide to the City a grading plan of the lot. Said plan shall include corner lot elevations and any methods for retention.
17. That Parcel A as shown in phase 2 be made part of the adjacent subdivided lots.
18. That lots 1-7 not be recorded until open space concerns regarding the deed-restricted properties have been resolved to the satisfaction of the City Park's Department.
19. That a notation be added to the plats regarding sound and impacts of the railroad.

Seconded by Commissioner Nixon

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	No

Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Split Vote – S-3-2004 – motion does not pass

Discussion: Mr. Eric Bishop assured that improvements would be completed all the way to Phase 3. He said from the point where Phase 3 starts, there is a temporary road that goes from that general area to 4700 South. Mr. Bishop explained that with Phase 1, there would be a connection from 4700 South to the railroad tracks. Commissioner Mills said she needed more discussion regarding the temporary road to 4700 South, thinking a permanent road may be needed. Commissioner Nixon stated that road would be open for five years, and with the Legacy Highway, there will be many changes, but it will not be shut down for five years. Commissioner Mills suggested if the road is opened, UDOT might determine when it should become public access. Steve Lehman explained that Public Work's underlying issue is the vertical curve, and if the road can be designed safely to 4700 South. There are concerns regarding safe speeds given the railroads, ramping, and location of railroads. Steve also said Phases 1 and 2 are not involved with the matter of this road, as they are at the extreme northern boundary, and this issue would be researched with Phase 3, but not Phases 1 and 2. He said the Traffic Engineer would review this issue in Phase 3. Commissioner Mills asked about the fencing around 6000 South. Steve indicated there will not be fencing around 6000 South, as staff has tried to make it more pedestrian friendly, by placing a wider parkstrip. He said 6400 West would eventually have fencing as it develops, but this will be discussed further as future phases are being developed.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion for S-3-2004.

Motion: Commissioner Matheson moved to grant final approval for the first phase of the Vistas at Westridge Subdivision subject to the following conditions:

1. That all conditions of approval be completed prior to City Council review.
2. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant.
3. That all matters associated with the rail crossing be coordinated and finalized with the City Engineering Division and City Attorney's Office prior to City Council review.

4. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve all matters pertaining to sewer connections and where service will be provided prior to City Council review.
5. That the developer coordinate a review of the deed restricted properties. More specifically, the Kearns Improvement District property and their potential use for open space. If a legal determination is made that the deed restricted properties cannot be used for open space, the developer will need to receive approval from the City Parks Department that proposed open space in phase 1 is sufficient. If a determination is made that additional areas of open space are needed in either of these phases, the final plat shall be brought back for Planning Commission review.
6. That the developer continue to coordinate all matters regarding storm water detention. That Salt Lake County Flood Control and the Utah Salt Lake Canal Company review and approve the storm water permit necessary for this development. If a determination is made that the proposed storm water basins are insufficient as designed, the applicant will need to revise the final plat to accommodate the needs established by the City Engineering Division. If these changes are substantial, the final plat shall be brought back for Planning Commission review.
7. That the developer acquire the necessary easements from the LDS Church and/or Denver Rio Grande Railroad regarding storm water prior to City Council review.
8. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
9. That 6000 West and 6400 West be dedicated and improved, with 6000 West fully improved to the southern most boundary of Phase 2, with a temporary access to 4700 South according to plan and profiles approved by the City Engineering Division. All other interior streets, including design shall be approved by the City Engineering Division.
10. That the developer install a 6-foot non-climbable chain link fence adjacent to the railroad. Said fence shall be installed prior to the construction of single-family dwellings.

11. That the developer coordinate all matters pertaining to the soils report with the City Engineer and Building Official. Recommendations outlined in the report shall be noted on the final plat.
12. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code regarding the Overpressure Zone.
13. That all recommendations outlined in the traffic study, including the 6000 West railroad crossing improvements, and subsequent recommendations of the City Traffic Engineer be followed.
14. That a note be placed on the plat identifying this subdivision as an area that may be subject to noise from the USANA Amphitheater and from noise and odors associated with manufacturing uses.
15. That all construction access be gained from 4700 South.
16. That prior to the issuance of any building permit, the builder shall provide to the City a grading plan of the lot. Said plan shall include corner lot elevations and any methods for retention.
17. That Parcel A as shown in phase 2 be made part of the adjacent subdivided lots.
18. That lots 1-7 not be recorded until open space concerns regarding the deed-restricted properties have been resolved to the satisfaction of the City Park's Department.
19. The plat should have a notation that this area is subject to the sounds and odors of the railroad.

Seconded by Commissioner Nixon

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – S-3-2004 – approved

S-4-2004
The Vistas at Westridge Subdivision – Phase 2
Vistas at Westridge LLC
R-1-8 Zone

There being no further discussion regarding application S-4-2004, Vice-Chairman Fuller called for a motion for S-4-2004.

Motion: Commissioner Matheson moved for approval of S-4-2004 using the same staff alternatives as was outlined in S-3-2004.

Seconded by Commissioner Nixon.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – S-4-2004 - approved

S-19-2004
Wasatch Plantation Subdivision Lot 1 Amended
4651 South 5600 West
M Zone
2 Lots

Mr. Steve Lehman presented the application.

BACKGROUND

Robert Jones, representing the property owner, is requesting a plat amendment for lot 1 of the Wasatch Plantation Subdivision. The purpose for the plat amendment is to divide lot 1 in order to create an additional building lot.

STAFF/AGENCY COMMENTS:

Granger Hunter Improvement District:

- X Project subject to all GHID requirements.
- X West Valley City Fire Department shall determine proper fire protection.

Utility Agencies:

- X Standard Public Utility Easements required.

Public Works Department:

- X Coordinate improvements along 5600 West with UDOT.
- X Concern regarding access from 5600 West.
- X Revisions to plat required.

ISSUES:

- X The proposed plat amendment is being submitted in order to divide lot 1 into two lots. The purpose for the division is to establish a new building lot for a future commercial and/or manufacturing use. Lot 1A will retain a square footage of 629,150 square feet and lot 1B (the new lot) will comprise approximately 156,000 square feet. Both lots meet zoning requirements of the M Zone regarding frontage etc.
- X Access to the new lot will be gained from 5600 West. The new lot and the property to the north share a common boundary. There is a concern regarding the separation of the new drive approach and the existing drive approach to the north. At the present time, there is a 33-foot right-of-way off of 5600 West providing access to lot 1. The applicant will need to coordinate this easement and the location of the new access with UDOT as part of the subdivision process. It is likely that UDOT will require a separation distance between drives as part of their approval.
- X As mentioned previously, the new lot is intended to be used for a new commercial and/or manufacturing use. The future use will be reviewed by staff during a permitted and/or conditional use process.

There being no discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Nixon moved for approval of the Wasatch Plantation Subdivision Lot 1 Amended Subdivision Plat subject to a resolution of staff and agency concerns.

Seconded by Commissioner Mills.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – S-19-2004 - approved

S-20-2004
Hunter Meadows Subdivision
3510 South 5200 West
R-1-8 and RB Zones
8 Lots

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Clark Taylor, is requesting preliminary and final plat approval for the Hunter Meadows Subdivision. The subject property is located at 3510 South 5200 West and is zoned R-1-8 and RB. Residential development is located to the south and west of the proposed subdivision.

STAFF/AGENCY CONCERNS:

Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Revisions to plat are required. Improvements to 5200 West will be required to match the existing improvements as determined by the City Engineering Division.
- Dedication along 3500 South to a 53-foot half width required. Improvements along this section of 3500 South will be required in accordance with UDOT.

Building Inspections:

- Will require a soils report prior to plat recordation.

ISSUES:

- The developer is proposing a preliminary and final subdivision consisting of 8 lots. Lot sizes in the residential section range from 8,009 to 9,486 square feet. The average lot size in the subdivision has been calculated at 8,421 square feet. Lot 8 is zoned RB and will contain approximately 31,941 square feet.
- Access to the residential portion of the subdivision will be gained from 5200 West. Property zoned RB will continue to have access from both 5200 West and 3500 South. The subdivision will terminate with a cul-de-sac having a depth of

approximately 220 feet. The applicant will be required to coordinate the installation of the new street with the property owner to the southeast. Said coordination shall be to ensure that impacts from the new street will not negatively affect this property owner.

- Improvements to the new cul-de-sac and 5200 West will be in accordance with City Engineering standards. Improvements to 3500 South (if required at this time) will need to be coordinated with UDOT. The developer will need to dedicate an additional 13 feet along 3500 South in order to achieve the projected right-of-way width of 106 feet.
- A concern has been raised by staff that if an additional 13 feet is taken from lot 8 in order to accommodate the right-of-way width along 3500 South, the depth of this lot may be a challenge to develop. The applicant assures staff that a narrow commercial type building could be located on the property with provisions for landscaping and parking. If the applicant is not able to develop lot 8, it is likely that a lot in the residential section of the subdivision would be eliminated. Should this occur, a revised plat would be required to be reviewed by the Planning Commission.
- As with all new subdivision development, there is a concern with the potential of ground water impacts. The applicant will be required to submit a soils report. Said report will be reviewed by the Building Official and City Engineer prior to City Council review.

Applicant:

Jay Erwin, Rep. for Hunter Meadows
158 West 4640 South

Concerned:

Chris Curtis
5267 W. 3500 S.

Concerned:

Chaz Anderson
3542 S. 5200 W.

Discussion: Commissioner Nixon asked when 3500 South was scheduled for widening in that area. John Janson replied that the environmental study has not yet been completed, and the funds have been put off for a few years. He acknowledged 5200 West may have been included with past plans, but most likely, the street widening would not have been completed that far west. Commissioner Fuller inquired how far the building should be set back from residential. Steve Lehman answered it depends on how the building is situated. He said there should be a total of approximately 20-feet when considering side-yard setbacks and landscaping in the front. Commissioner Nixon asked if the building would be one story, and was told it would be up to the developer. Steve informed the Commission there is a business license application for the existing business, and some modification and improvements will be performed on the existing business. Commissioner Matheson questioned if commercial use is allowed in this area. Steve

Lehman assured he will investigate, but noted the commercial use has been a non-conforming use for many years.

The applicant, Mr. Jay Erwin, confirmed this is a seven-lot in-fill project, including commercial, which should fit in well with 3500 South. He understands issues regarding the existing business will be resolved, but said the existing building works with the required setbacks. Commissioner Nixon asked about the unattractive dump area adjacent to that location. Mr. Erwin assured the area next to existing shop would be cleaned up. He indicated there are two different issues, one being the commercial lot, and the other being the seven-lot subdivision, which he is associated with. Mr. Erwin stated a fence would be placed between the commercial and the subdivision separating the two uses. He did not have information regarding the commercial property, what is planned or what the requirements would be. Commissioner Mills informed that while she was on the 3500 South Corridor Advisory Committee, consolidating accesses was an issue. She asked if the business could place an access off of 5200 West rather than 3500 South. Mr. Erwin replied he was not prepared to discuss the commercial lot and its requirements. Commissioner Mills implied landscaping would enhance 3500 South if it were placed where the access was planned on 3500 South. Steve Lehman reported a building permit would be issued for the existing business, as they have received approval from the Board of Adjustments, and the property has been substantially cleaned up. He informed that all access issues must be reviewed by UDOT, and reminded that this is a very old site. Commissioner Matheson said he would like to see elevations of the proposed development. Steve Lehman suggested the elevations could be reviewed at a future Study Session. Commissioner Nixon questioned the City's policy, stating elevations should be available for approval for all developments. Steve Lehman responded that not all developers have building elevations, as they may not be the builder. He also reminded that the City has building ordinances outlining what is required of buildings. Commissioner Fuller had concerns that the commercial lot may not be deep enough with the driveway, setbacks and landscaping. Steve Lehman indicated the building is planned for the extreme west portion of the property, but not all issues have been researched. He assured if there is a new commercial use, it would be required to come in for approval as a conditional use, and a solid fence would be required. Mr. Erwin assured they plan on placing a solid wall between the residential and commercial uses. He said the existing building would remain, and an additional 6000 sq. ft. building would be developed at the west portion of the property.

Mr. Chris Curtis lives near this proposed development and was concerned about the gas station tanks leaking into their water well. He wants the tanks and old toxic material removed if development occurs. Mr. Curtis would also like to meet with the subdivision developer to discuss property lines. He requested a wall to separate the two residential properties. Commissioner Fuller informed that gas tanks are handled on a state level. Mr. Erwin indicated the underground gas tanks have been removed, and there is a clean

bill of health for the property. Mr. Chris Curtis replied he was told the gas tanks are still in the ground, but have been approved as not leaking. Mr. Erwin assured he would verify his information. Steve Lehman stated fencing and boundary issues are the responsibility of the property surveyor. He also reported the City's ordinance does not require fencing between two residential properties.

Ms. Chas Anderson, representing her father, was concerned with the electrical line and fence line near their property. She asked if the fence line would have to be lifted, and if the fence would be replaced. Steve Lehman replied the electric line would be coordinated with Utah Power for height requirements. He also stated the developer would coordinate road construction with the Public Work's Department to determine if a retaining wall is required. If the fence is removed, it will be replaced by Public Works. Ms. Anderson mentioned nearby residents have had flooding problems, and she asked if the new homes would have basements. Steve assured ground water studies are conducted to determine if basements should be allowed.

Commissioner Nixon asked if there were any elevations that could be reviewed. Steve Lehman replied he did not know if the applicant would be building the homes. Commissioner Matheson wanted homes without basements to be larger than 1,350 sq. ft. He would also like additional information regarding fencing and grading. Commissioner Mills requested additional information regarding fencing, and to find out if the gas tanks are still installed. Commissioner Nixon wanted the record to show that he thinks all building elevations should be reviewed.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for continuance to allow the applicant time to address the issues discussed during the public hearing.

Seconded by Commissioner Mills

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – S-20--2004 - continued

S-21-2004
Westridge Village Subdivision
4501 South 5600 West
R-1-7 Zone
35 Lots
8.9 Acres
3.9

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Rob Gulbrandsen, is requesting preliminary approval for a new subdivision in the R-1-7 Zone. The subject property was recently rezoned from the R-1-8 Zone to the R-1-7 Zone. The rezone was subject to a development agreement that will be made part of the subdivision. The proposed subdivision is bordered on the north, east and south by the Deerfield Meadows Subdivision. Property to the west is owned by Salt Lake County.

STAFF/AGENCY COMMENTS:

Building Division:

X A soils report will need to be submitted prior to final plat review.

Utility Agencies:

X Standard Public Utility Easements required.

Public Works Department:

X Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

X Dedication and improvements required along 5600 West. This will include the portion of roadway in front of the Salt Lake County property due to an earlier acquisition of County property.

X Revisions to plat required.

Granger Hunter Improvement District:

- X Project subject to all GHID requirements.

Fire Department:

- X West Valley City Fire Department shall determine proper fire protection and hydrant location.
- X Will need additional information regarding the emergency access easement.

ISSUES:

- X The Westridge Subdivision is being developed as a standard subdivision in the R-1-7 Zone. The proposed subdivision will consist of 35 lots on approximately 8.9 acres, which equates to an overall density of 3.9 units per acre. Lots range in size from 7,000 square feet to 12,421 square feet. The average lot size throughout the proposed subdivision is approximately 8,170 square feet.
- X The proposed subdivision will contain housing that was reviewed by the Planning Commission and City Council during the rezoning process. A copy of the design conditions have been attached to the analysis for your review. Elevations of proposed homes are not available because the applicant is not sure whether he will be constructing them or whether he will be selling the project.
- X Access to the subdivision will be gained from 5600 West. A 34-foot access easement located on Salt Lake County property immediately to the west will provide additional access to the subdivision if needed for emergency vehicles. The access easement has already been constructed and is located at the southwest corner of the subdivision. The applicant will need to coordinate this issue with both the City Engineering Division and Fire Department.
- X In 1999, the applicant acquired a portion of Salt Lake County property in order to make the proposed subdivision work. The property purchased from the County would be adjacent to lots 7-10 and 5600 West. Because this division was not approved by the City, a slight modification to the preliminary plat will be needed. The property which was part of this division will need to become an additional lot in the subdivision. The City Engineering Division will require that street improvements along the westerly boundary of this property and adjacent to 5600 West be installed as part of this application.
- X As with all new subdivision development in West Valley City, the potential for ground water problems exist. The developer will need to provide a ground water

investigation prior to final plat review. If evidence of ground water exists, the applicant will be required to follow all recommendations outlined by the City Engineer and Building Official.

- X During the rezoning process, a concern was expressed by an adjacent resident in the Deerfield Meadows Subdivision to the east. The concern is that as residents drive east from 5600 West, lights from vehicles will negatively impact his property. This matter was discussed at length during the rezoning hearing. The applicant consented to install 4 ten to twelve foot tall Austrian Pine trees at the southeast corner of lot 6 in order to help mitigate this concern. The applicant will need to coordinate street improvements with the City Engineering Division to ensure that sufficient room will exist to plant these trees. In addition, a note will be placed on the plat and perhaps a restriction attached to lot 6 requiring that the trees be kept in place for the purposes mentioned above.

Applicant:

**Rob Gulbrandsen
11075 S. State Street**

Opposed:

**Burt Davis
5519 W. Deer Meadow Cir.**

Discussion: Commissioner Matheson mentioned there was no fencing information included in the staff's alternatives. Steve Lehman informed that the developer will place solid fencing along north and east sides of property, and this should be added as a condition of approval.

Motion: Commissioner Nixon made a motion for a five-minute recess at 5:45 p.m.
Seconded: Commissioner Matheson

The meeting reconvened at 5:50 p.m.

Steve Lehman talked about the streetscaping, including stamped concrete and trees planted on resident's property next to the fence. The applicant, Mr. Rob Gulbrandsen thanked staff for working with him on this challenging subdivision. He agreed with the staff report and it's recommendations. Mr. Gulbrandsen assured that issues regarding the secondary access and easement have been resolved and will be shown on the plat.

Mr. Burt Davis was opposed to the development, stating the street entrance is at his back fence. He said the proposed trees would only be a temporary fix, and wouldn't help solve the problem of his loss of privacy. Mr. Davis was concerned his property value would be devalued, and mentioned the high water table in this area, which floods many basements. He did not believe there was sufficient space for a utility right-of-way proposed on the curve from the roadway to his fence line. Steve Lehman replied that during the rezoning process, the developer agreed to help mitigate any impact from vehicles. He noted that

lot six has a ten-foot easement that goes along the eastern boundary of the subdivision, all the way to the extreme southeast corner of the lot, and to the northwest corner of lot 35. The City ordinance requires a ten-foot public utility easement at the front and rear of the lot line, and an eight-foot utility easement on one side of the lot. In many cases, there are not utility easements surrounding the entire property. The purpose of the easement is solely intended for the use of public utilities. Steve indicated the developer is required to work with utility agencies to verify the utility easements, making sure all needs are met. If additional easement is required, the utility agency will let the City know. Steve Lehman informed of road changes suggested by the Public Works Department, such as creating a 'bulb' with lots six and seven. There may also be a required road shift for lots 10 and 11 should utilities require additional easement. Steve mentioned this would also allow more room for trees to grow in that area. He reminded no mechanism is full proof, as a fence could be taken down as easily as trees die. Commissioner Nixon asked if this area was always been designated for residential. Steve Lehman replied the bulk of the subdivision was zoned 'R-1-7' and 'R-1-8', and may have been manufacturing in the past. Commissioner Nixon perceived manufacturing would devalue the property more than residential. Mr. Davis noted manufacturing is normally eight-hours per day, but residential has cars coming and going 24-hours per day. He reminded that when he purchased the home, the previous owner told him a church would be built on this property. Commissioner Matheson believes the developer has done an excellent job with a difficult parcel. He suggested property values would increase due to the quality of homes planned for this subdivision. Commissioner Mills made a correction in staff's analysis regarding a lot that fronts 5600 West. She thinks if a fence were placed, it would disrupt the vegetation next to Mr. Davis' property line.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Nixon moved for approval subject to conditions which include, but are not limited to, the following:

1. That compliance be made with Granger Hunter Improvement District, including water line extensions, connections, water rights and fire protection.
2. That the subdivision name and interior street names be approved by Salt Lake County.
3. That an appropriate ground water and soils investigation be made by a certified engineer. Said report shall be reviewed by the City Engineer and Building Official prior to final plat review.

4. That 5600 West be dedicated and improved as part of the subdivision plat. Improvements to the portion of Salt Lake County property will also be required. Interior street widths, and cross sections shall also be reviewed and approved by the Public Works Department.
5. That the developer comply with all provisions of the design conditions reviewed and approved during the rezone process.
6. That all matters pertaining to any irrigation systems be addressed with the Public Works Department and water users.
7. That lots 7 and 2 front the side street and not 5600 West.
8. That the applicant coordinate all improvements and access issues with UDOT.
9. That the developer resolve all other associated staff and agency concerns.
10. That the applicant coordinate a review with the emergency access easement with the City Engineering Division and Fire Department.

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – S-21-2004 - approved

SV-3-2004

5600 West - Partial Street Vacation

4651 South 5600 West

Mr. Steve Lehman presented the application.

BACKGROUND

West Valley City is requesting a street vacation for the easterly 13 feet of 5600 West at approximately 4651 South. The street vacation is adjacent to lot 1 of the Wasatch Plantation Subdivision. The proposed vacation would affect only that portion of 5600 West that was previously dedicated at the 132-foot right-of-way.

Over the years, numerous discussions have taken place regarding the traffic potential of 5600 West. As a result of these discussions, portions of this roadway were dedicated at a 132-foot right-of-way. When the original Wasatch Plantation Subdivision was recorded in 1995, a 66-foot half width was provided to the City. However, as traffic patterns developed in the area and in conjunction with existing and proposed development along this corridor, UDOT has made a decision that a 106-foot right-of-way would be sufficient to handle the traffic volumes.

Due to a recent application to amend lot 1 of the Wasatch Plantation Subdivision, the City believes the easterly 13 feet of 5600 West along the frontage of lot 1 should be vacated. The applicant proposing the amended plat will coordinate all improvements with West Valley City and with UDOT.

According to City Ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

There being no discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Mills moved for a continuance due to the many issues that were raised during the pre-hearing.

Seconded by Commissioner Nixon

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Split vote – SV-3-2004 – motion does not pass

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for approval, as a 106-foot street will accommodate future development.

Seconded by Commissioner Mills

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Nixon	No
Acting Chairman Fuller	No
Chairman Woodruff	Absent

Split vote – SV-3-2004 – application automatically continued.

CONDITIONAL USE APPLICATIONS:

C-19-2004

Kaarina Robinson

6421 Gold Valley Court

Home Preschool

R-1-8 Zone (.19 acres)

Ms. Jody Knapp presented the application.

The applicant, Kaarina Robinson, is requesting a major home occupation as a conditional use for a home preschool. The zoning for this area is R-1-8 and preschools are a major home occupation in this zone. The West Valley City General Plan anticipates low density residential for this area.

The classes will be conducted four days a week for two hours. There will be a three-year-old session from 9:15 a.m. to 11:15 a.m. Mondays and Wednesdays and a four-year-old session from 1:00 p.m. to 3:00 p.m. on Mondays, Tuesdays, and Thursdays.

There will be no more than 6 students per session.

The area to be used for the preschool is located in the lower level of the home. The area dedicated to the home preschool will not occupy more than 25% of the area of any one floor.

Parking is typically a concern with home occupations; however, the driveway for the home provides plenty of off street parking and drop off space for this use. Furthermore, many of the students attending live in this neighborhood and will walk to class.

Applicant
Karina Robinson
6421 Gold Valley Court

Discussion: Ms. Karina Robinson informed the Commission that she has informed her neighbors about this business, and has not received any negative response. Commissioner Mills asked if she has a double driveway, and was told yes. Commissioner Mills inquired if parents will walk their children to the door when they are delivered to the daycare, or would they be allowed to play on the grounds prior to the class starting. Ms. Robinson assured parents will walk the children to the door and they will not play in the front yard.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Mills moved for approval of the conditional use for the major home occupation preschool subject to the resolution of any concerns raised at the public hearing and meeting the requirements of all affected departments and agencies, as well as the following:

1. Drop off and parking areas are to be on the driveway and may not be on the street.
2. Subject to review upon valid complaint.

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – C-19-2004 - approved

C-20-2004

Colortyme/payday loans

2680 West 3500 South

C-2 Zone – General Commercial

Ms. Jody Knapp presented the application.

West Valley City’s General Plan recommends general commercial land uses.

Introduction:

This conditional use is a request to amend the original approval for a check cashing business as a part of the existing furniture rental business. The proposal is to change the signage on the building and to permit operations of a Title Loan service.

Issues:

- Colortyme was granted conditional use approval in December of 1999 for a check cashing use as an additional use to their existing business of rental furniture. A condition of approval included a limitation on the signage to only the two neon window mounted signs proposed by the business operators.
- This conditional use amendment request is to replace the existing “COLORTYME” wall sign with a “PAYDAY LOANS” sign of the same area and location. There is no increase in signage than what already exists.
- A second portion of the request is for the Title Loan service. West Valley City has always looked at these uses separate, which is the reason they are requesting

approval at this time. Title loan services would fall under the recently enacted ordinance limiting the number of check cashing/title loan business in West Valley City. Since this is an expansion of an existing business and this would not be considered a new additional business.

- Similar Title Loan business is being operated where vehicles that are reposed are sold on the premises. Tim Meister, Regional Manager of Colortyme has indicated that they would not be selling or storing any vehicles on this site. Temporary storage of reposed vehicles will occur at an approved impound lot to the north. Sales will occur through pictures in this business and if some one is interested they would be directed to visit the impound yard. If this is the method of operating the Title Loan portion of the business there seems to be no additional impacts at this site.
- The city has observed numerous Colortyme vans parked at this site. The sign ordinance, Sec. 11-2-109 restricts vehicles parked as outdoor display signs within 40' of the street right of way. Essentially these vehicles cannot be parked adjacent to the street for advertising purposes.

Applicant:
Wesley Hutchings, Atty for Applicant
50 South Main Street

Applicant:
Tim Meister
2680 W. 3500 S.

Discussion: Commissioner Nixon asked if this would create two separate businesses. Jody Knapp explained it would be one business with various services within the business. Commissioner Nixon asked if there would be an additional title sales sign added to the business. Jody replied no, there would be a sign for Colortyme and Payday Loans. Commissioner Nixon was concerned about the sign having the color red in it. Mr. Wesley Hutchings informed that most of the Colortyme business have red and green signs, and consistency with signs tie them into one large company. He reminded that prior approval allowed for a non-blinking neon sign, but that sign would be removed. Mr. Hutchings discussed the increase of customer volume with this type of business, stating 85% of the customers are there for the rent-to-own business. He reported of the stores that own title loans, less than 2% of the customers are there for the title loan. Mr. Hutchings explained the title loan is only a paper portion of the business, and only 5% of loans go into default. He indicated their desire is to avoid default loans, and one-quarter of individuals who default voluntarily surrender their vehicle to this organization. Mr. Hutchings assured they only receive approximately nine to ten vehicles per year, and two or three would be voluntarily surrendered. He said the surrendered vehicles would remain at Colortyme for no more than 24-hours, and others will be picked up and transported to their storage yard in Ogden. Mr. Tim Meister explained the maximum amount of the loan issued is based on the value

of the vehicle, and they are rarely involved with loans over \$1,000.00. Commissioner Nixon asked about the crates stored outside of the building. Mr. Meister explained that occasionally, merchandise is delivered early or to the wrong store. He stated their lease allows them to keep merchandise on the sidewalk. Commissioner Fuller questioned if there was enough room for their merchandise, as this occurs often. Mr. Meister acknowledged that storing items on the sidewalk may not look attractive, and said they are currently remodeling the store. He assured they have committed to an outside storage for extra merchandise, and if the City requires they keep their merchandise inside the building, they will comply. Commissioner Nixon asked about their business procedures. Commissioner Mills was concerned that there is not adequate space for the expansion of a title loan business. She also believes Ogden is a very far distance for individuals to drive if interested in viewing the vehicles that are for sell. Commissioner Nixon wants the sign to only be green without red. Commissioner Matheson noted something should be done about the merchandise being displayed around the building.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Nixon moved for approval of the conditional use request for the revised signage and the addition of the title loan business subject to the following:

1. The new Payday Loans sign will be of the same or less area compared to the former Colortyme sign. The Payday Loans sign will be the same color as the existing signage. All building signage will conform to the current sign ordinance.
2. Move couches and retail items inside the store.
3. The title loan portion of the business will be operated without vehicle display or storage at this site.
4. Moving of the vans to conform to the sign ordinance.

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Split vote – C-20-2004 – motion does not pass

Discussion: Commissioner Mills requested the removal of neon signs be added to the motion.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Nixon moved for approval of the conditional use request for the revised signage and the addition of the title loan business subject to the following:

- 1- The new Payday Loans sign will be of the same or less area compared to the former Colortyme sign. The Payday Loans sign will be the same color as the existing signage. All building signage will conform to the current sign ordinance.
- 2- Move couches and retail items inside the store.
- 3- The title loan portion of the business will be operated without vehicle display or storage at this site.
- 4- Moving of the vans to conform to the sign ordinance.
- 5- Removal of existing neon signs from the businesses windows.

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – C-20-2004 - approved

C-21-2004

David Tran and Matthew McGill
3695 S. Redwood Road
Scooter and Pocket Bike Sales
C-2 Zone (2.22 acres)

Ms. Jody Knapp presented the application.

The applicants, David Tran and Matthew McGill, are requesting a conditional use for the sales of electric/gas scooters and pocket bikes. The zoning for this area is C-2 and recreational vehicle sales is a conditional use in this zone. The West Valley City General Plan anticipates general commercial or high density residential for this area.

The applicants will be selling 2-cycle gas and electric scooters, 2-cycle motor oil, and helmets. There will be no gas or used oil stored at this location. The site is located within a commercial shopping center, however there is a residential neighborhood located to the south and east of this location. Therefore staff feels test-driving is not appropriate at this location.

Applicant

**Mathew McGill
3887 West 4200 S.**

Discussion: Commissioner Matheson and Mills verified the location of the building and what spot the applicant plans to lease. Mr. Mathew McGill replied they would utilize the south side of the main mall. He explained there are inside stores with individual entrances from the inside hall, but that their business would have an outside entrance. Commissioner Nixon asked how they plan on selling the bikes without allowing the customers to test run the bikes. Mr. McGill answered that the bikes are easy to drive with only a throttle, no gears, and are self-explanatory. Commissioner Mills assumed if a business wants to do well and expand, allowing customers to test drive the bikes would be of benefit. Mr. McGill replied he was instructed customers could not test drive the bikes due to nearby residential. Commissioner Mills inquired what would occur if a customer will only purchase the bike if allowed to test drive one. Mr. McGill indicated he would send the customer to another business to test drive the bike, and then offer to beat the competition's prices. He informed the Commission mufflers are available to help reduce the noise. Commissioner Nixon asked the cost of the bikes and was told between \$159.00 to \$500.00.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for approval of the conditional use for the retail business subject to the resolution of any concerns raised at the public hearing and meeting the requirements of all affected departments and agencies, as well as the following:

1. No repairs may be done at this location.
2. There can be no test-driving on site.
3. There will be no gas or used oil stored at our location.
4. Subject to review upon valid complaint.

Seconded by Commissioner Mills

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – C-21-2004 - approved

PLANNING COMMISSION BUSINESS

Approval of minutes from June 9, 2004 (Regular Meeting) **Continued**
Approval of minutes from June 23, 2004 (Regular Meeting) - **Continued**
Approval of minutes from July 7, 2004 (Study Session) - **Continued**

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant